

Attachment 1 - Mineral Material Disposal Questionnaire

Processing of Sales and Permits

1. How many and what percentage of your oil and gas Applications for Permit to Drill (APDs) were associated with Bureau of Land Management (BLM) mineral material sales in Fiscal Year (FY) 2003? So far in FY 2004?
2. What percentage of your total mineral material sales and permits are related to oil and gas development (well pads, haul roads, etc.)? Coal development?
3. Do you check the land use plan to assure that a proposed disposal is compatible with the plan?
4. What program element and subactivity in MIS do you code mineral material disposals to? What people have charged to it? Why?
5. How many mineral material sales and free use permits did you record:
 - a. in LR 2000 action code 276 (permit/license issued) for FY 2003?
 - b. in 276 so far in FY 2004?
 - c. in MIS program element EP for FY 2003?
 - d. in EP so far in FY 2004?
 - e. explain any reporting discrepancies between MIS and LR2000.
6. Is all case action data timely and accurately entered into LR2000? Are error checks performed to ensure all errors are corrected promptly? Who does this? How often?
7. How long does it take you to process an application, on the average? Is there any backlog of cases that have been received in FY 2003 but have not been processed?
8. How many competitive sales were conducted by your office during the past five years? What procedures were followed to conduct the sales?
9. Do the case files have mining and reclamation plans for all operations?
10. Are community pit sites posted with BLM signs (BLM sign No. S-37)?
11. Are reclamation fees for community pits and common use areas put into the 5320 account? Is that account earmarked for reclamation of community pits and common use areas in your field office? If not, please provide details on where the reclamation fees in the 5320 account are being spent. Is a log kept of reclamation fees collected for each site?
12. What is your current reclamation fee? When was it last updated? Is it adequate?
13. Do you monitor the location, duration of, and unauthorized use from Title 23 material site rights-of-way in your field area?

Inspection and Enforcement / Production Verification (I&E/PV)

14. How many mineral material site inspections did you conduct in FY 2003? So far in FY 2004? Please explain any discrepancy between the actual number of inspections and the numbers reported in LR2000 and MIS.
15. How many mineral material inspections did you record:
 - a. in LR2000 action code 041 (compliance report received) for FY 2003?
 - b. in 041 so far in FY 2004?
 - c. in MIS program element NF for FY 2003?
 - d. in NF so far in FY 2004?
 - e. Explain any reporting discrepancies between MIS and LR2000.
16. Is there an up-to-date office plan on file that identifies workload (number of inspections, site locations, workmonths, etc.), staffing requirements and action plan for inspection and enforcement / production verification (I&E/PV)? If so, please provide a copy in your response.
17. Before inspecting the site, do you review:
 - a. the contract or permit terms and conditions?
 - b. the Department of Environmental Quality (DEQ) mine permit and stipulations?
 - c. prior inspection reports in the case file?
18. Do you conduct production verification (PV)? Do you document PV results in your case file? Do you document the inspection in your case file? Please explain your PV procedures (GPS surveys, review of weight tickets, truck counts, review of company surveys, etc.)

As stated in BLM Handbook H-3600-1, Chapter VII-D:

19. For sales or permits between 100 and 5,000 cubic yards annual production:
 - a. Do you inspect operations and verify production at least once a year?
 - b. Do you require production reports from the operator - if so, how often?
20. For sales or permits between 5,000 and 15,000 cubic yards annual production:
 - a. Do you inspect operations and verify production at least twice a year?
 - b. Do you require production reports from the operator - if so, how often?
21. For sales and permits over 15,000 cubic yards annual production:
 - a. Do you inspect and verify production more frequently than twice a year?
 - b. If so, how often?
 - c. Does your inspection include an examination of the operator's PV methods?
 - d. Does the operator provide a pre- and post-survey of the site?
 - e. Has the operator provided an annual survey for pit dimensions and volume removed?
 - f. Do you require production reports from the operator - if so, how often?

22. For free use permits over 500 cubic yards annual production:
 - a. Have field inspections been conducted at least once a year?
 - b. Were production quantities obtained from the operator and reported in LR 2000?
23. Are scales used to verify production on large sales? If so:
 - a. Is there a volume cutoff for use of scales?
 - b. Who certifies the scales?
 - c. Are uncertified scales being used?
 - d. Have BLM staff witnessed the scale certification?
 - e. What documentation is available regarding scale certification?
 - f. Is this data kept in the case files?
24. In the production verification process, do you adjust for swell factors, density by rock type, and waste when you calculate cubic yards produced and value of material removed? Would you like the State Office or Washington Office to provide clarification on any of these topics?
25. What types of discrepancies are found during production verification and what percentage discrepancy between BLM and company records is allowed?
26. How are irregularities resolved and what documents are kept in the case file?
27. Is there a need for more policy guidance relating to quantity determination or other aspects of production verification?

Processing of Trespass Cases

28. How many mineral material trespass actions did you record:
 - a. in LR2000 action code 017 (notice of trespass sent) for FY 2003?
 - b. in 017 so far in FY 2004?
 - c. in MIS program element NJ for FY 2003?
 - d. in NJ so far in FY 2004?
 - e. Explain any reporting discrepancies between MIS and LR2000.
29. Have you disposed mineral material from Stock Raising Homestead Act lands or other split estate situations in FY 2004? Are you aware of any unauthorized disposals on split estate lands?
30. What actions are you taking to detect and resolve mineral material trespass?
31. Are BLM law enforcement staff used to investigate mineral material trespass?

32. Are field office minerals staff adequately trained to conduct suspected theft or trespass investigations? Is additional training needed?

33. Is documentation adequately maintained to support court action for trespass?

Coordination with the Wyoming Department of Environmental Quality, Land Quality Division (DEQ/LQD)

34. Who is your office's main contact person(s) at DEQ/LQD? Where is that person located?

35. Do you invite a DEQ/LQD staff member on your field inspections? Do they come? How often?

36. Do you cross-check the production volume reported to you with any production volume reported to DEQ/LQD?

37. How could we make coordination with the DEQ/LQD permitting process more effective? Please offer your suggestions.

38. What changes/modifications would you like to see in the existing Memo of Understanding (MOU) WY-93 with the DEQ/LQD, signed in 1984?

39. Do you have any suggestions to improve the reclamation bonding process in the existing MOU?